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VIA E-MAIL AND FEDERAL EXPRESS

December 9, 2008

Senator Eric D. Coleman, Co-Chair
Representative Art Feltman, Co-Chair
Senator Jonathan A. Harris, Vice Chair
Senator Leonard A. Fasano, Ranking Member
Representative Craig A. Miner, Ranking Member
Senator Joseph J. Crisco, Member
Representative Antonio Guerrero, Member
Representative Jack Malone, Member
Representative Richard Roy, Member
Continuing Legislative Committee on State Planning and Development
Room 2100
Legislative Office Building
Hartford, CT 06106

**Re: City of Norwich Application for Interim Change to State Conservation and
Development Policies Plan**

Dear Committee Members:

As you may know from my appearance on December 1, 2008, at the public hearing in Norwich City Hall related to the above-referenced application, this firm represents Norwichtown Development, LLC ("Norwichtown Development"). Unfortunately, not all of you were able to attend the public hearing to hear Norwichtown Development's opposition to the City's application and to receive the substantial materials in support of that position. I urge you to review the materials, and attach for your reference the cover letter to those voluminous materials.



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During my presentation, I emphasized the following five policy points which support the argument that the City's application be denied:

- The Committee's July 10, 2008 decision to change the guide map from Rural Land to Neighborhood Conservation was correct.
- The provision of water and sewer to allow a development like Norwichtown Development's would assist in meeting regional housing needs.
- The existing land classification enables the orderly extension of water and sewer in a planned way.
- The orderly extension of existing water and sewer curtails sprawl.
- To reverse a plan designation in less than five months would damage the Committee's credibility.

Another important point follows on the first. After the Committee properly voted to change the locational guide map, Norwichtown Development prepared, at great expense, and submitted applications for local approvals to the Norwich Inland Wetlands, Water Courses & Conservation Commission¹ and the Norwich Committee on the City Plan. These applications, with a design that depends on connection to public water and sewer service, were made in reasonable reliance on the Committee's action on July 10, 2008.

¹ Last week, the Inland Wetlands, Water Courses & Conservation Commission denied Norwichtown Development's application, but also gave clear direction as to what the applicant could do to overcome the deficiencies in the application. Norwichtown Development intends to submit a revised application with the expectation of approval.



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For your further reference, I have attached to this letter a followup letter to OPM Secretary Genuario² which contains a transcript of the public hearing remarks of Thomas Abele of Norwichtown Development. His remarks go a long way in explaining the process by which our client followed the law in undertaking the development of its property in good faith based on your decision of July 10, 2008.

Sincerely,



Dwight H. Merriam, FAICP

DHM/ddm

Copy to:

Norwichtown Development, LLC
David F. Sherwood, Esq.

² I am informed that OPM transmitted its latest recommendation to you this morning, regrettably a few hours before it received my letter.



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December 1, 2008

State Senator Eric Coleman
State Representative Art Feltman
Chairmen and Members
Continuing Legislative Committee on Planning & Economic Development
Legislative Office Building
Room 2100
Hartford, CT 06106-1591

The Honorable Robert L. Genuario
Secretary, Office of Policy & Management
State of Connecticut
450 Capitol Avenue
Hartford, CT 06106-1379

Re: City of Norwich Application for Interim Change to State Conservation and Development Policies Plan

Dear Chairmen Coleman and Feltman, Members of the Continuing Legislative Committee, and Secretary Genuario:

This firm represents Norwichtown Development, LLC ("Norwichtown Development"), the owner of the land singled out by the above-referenced application. The City of Norwich (the "City"), in an incredible flip-flop, requests that the Continuing Legislative Committee on State Planning and Development (the "Committee") change the classification of our client's land from "Neighborhood Conservation" to "Rural Land" on the Locational Guide Map of the Conservation and Development Policies Plan for the Connecticut, 2005 – 2010. This request comes just over 3 months after the City and its representative in the General Assembly impliedly supported the "Neighborhood Conservation" designation voted by the Committee on July 10, 2008, when the City waived an opportunity for a public hearing and its representative did not attend the Committee meeting at which the vote occurred. Our client strenuously objects to the approval of the application.



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**BACKGROUND: THE CITY'S SUPPORT FOR NORWICHTOWN DEVELOPMENT'S
INTERIM MAP CHANGE PROPOSAL**

On April 15, 2008, Norwichtown Development, through Attorney Gregory Sharp, submitted an application for an Interim Amendment to the Locational Map for Norwich incorporated in the Conservation and Development Policies Plan for Connecticut, 2005-2010, to the Office of Policy and Management ("OPM"). **(Tab A.)** Our client requested, and the Committee granted, a change to the classification of its 59.9-acre parcel located between Scotland and Hansen Roads from "Rural Land" to "Neighborhood Conservation," consistent with the existing residential land use of properties abutting the parcel to the west and north along Hansen and Plain Hill Road, its proximity to I-395, and the large areas of land designated either Growth Area or Neighborhood Conservation immediately adjacent to I-395. Attorney Sharp's April 15, 2008 cover letter noted that representatives of our client spoke with city staff and were "encouraged to pursue this application."

On April 21, 2008, W. David LeVasseur, Undersecretary, OPM, Intergovernmental Policy Division, notified all of the Members of the Committee, including Representative Jack Malone, of receipt of the application and requested the Committee's written approval to undertake the revision process. **(Tab B.)** The Committee gave its approval in writing on May 19, 2008. **(Tab C.)** On May 27, 2008, Undersecretary LeVasseur forwarded a copy of the application materials to the Committee, and in his cover letter, explained that the City of Norwich had 20 days from the receipt of notification to request a public hearing. Copied recipients of this letter were: Senator Edith Prague, 19th Senate District; Bill Hogan, DEP; Benjamin P. Lathrop, Mayor of Norwich; Peter Davis, Norwich Director of Planning & Neighborhood Services; Alan Bergren, Norwich City Manager; and James Butler, Southeastern Connecticut Council of Governments. **(Tab D.)**

On June 2, 2008, the Norwich Planning Director Davis notified OPM that the City will waive its right to a public hearing in order to expedite the process. **(Tab E.)** That same day, Ralph Page, Chairman of the Norwich Commission on the City Plan, notified OPM that he had directed Mr. Davis to inform OPM of the intent to waive the hearing, and stated that he supported the waiver as a means to expedite the process. **(Tab F.)**



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On June 9, 2008, Undersecretary LeVasseur submitted OPM's Findings and Recommendations for no change to the Guide Map to the Committee. **(Tab G.)** That transmittal was sent to all parties listed in the May 27, 2008 communication. Attorney Sharp provided the Committee with our client's responses to the OPM's Findings and Recommendations on July 1, 2008. **(Tab H.)**

On July 2, 2008, Ben Daigle, Committee Clerk, as is his usual custom, notified the Committee of the July 10, 2008 meeting by e-mail, which notice included a description of the Norwichtown item to be on the agenda. **(Tab I.)** He followed up on July 9, 2008 with an e-mail to the members of the Committee containing copies of all applications to be considered at the July 10, 2008 meeting. **(Tab J.)**

At its regular meeting on July 10, 2008 after discussion, the Committee passed a motion to grant Norwichtown Development's application, 3-2, after a motion to deny failed to pass. Four Committee Members, including Representative Malone, were absent. **(Tab K.)** The Guide Map was changed to reflect this decision on or before July 18, 2008. **(Tab L.)**

THE CITY'S FLIP-FLOP

The next month, in August 2008, Norwichtown Development made application to the Norwich Inland Wetlands and Watercourses Commission for regulated activities associated with development of an active adult community. Newspaper reports from September 2008 show how, commencing shortly after the submission of the local inland wetlands application, neighbors began organizing to oppose the active adult community application. **(Tab M.)** This seems to have led to the "discovery" of this Committee's July 10, 2008 map change and the City's waiver of the public hearing thereon.

On September 19, 2008, some two months after this Committee's granting of Norwichtown Development's application for the change to the Guide Map, Representative Malone – absent from the meeting at which the Commission approved the change – requested the Committee Chairs to schedule a vote reconsideration. **(Tab N.)** While Representative Malone notes that questions were raised about the position of Norwich officials on the application, in fact, the Chair of the Commission on the City Plan, as well as the Planning Director, communicated with the Committee and expressed no concern, stating that the proposal was consistent with the Norwich Plan of Conservation and Development. Representative Malone blames the summer



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vacation timing for the lack of turnout, and his voluminous email for his failure to appear.

Ten days later, on September 29, 2008, Mayor Lathrop – in uncannily similar language to Representative Malone’s letter – requested that the Committee reconsider its vote, stating that the matter had taken on additional significance due to the neighborhood opposition to Norwichtown Development’s local inland wetlands application. **(Tab O.)** This opposition showed itself at the October 2, 2008, Norwich Inland Wetlands and Watercourses Commission public hearing on Norwichtown Development’s application.¹ Among those in opposition is Byron Brook Country Club, Inc., a competing developer. **(Tab P.)** Remarkably, Byron Brook will need to get the Committee’s approval for the same map change for its property the Committee granted for the Norwichtown Development parcel. The developments both include lands designated rural before the Committee’s vote on July 10, 2008, and are located within approximately 300 feet of each other.

Norwichtown Development, through an October 4, 2008 letter by Attorney David Sherwood, opposed Representative Malone’s and Mayor Lathrop’s requests to reconsider the decision. **(Tab Q.)** This Committee did not reconsider its decision, but, on October 7, 2008, informed OPM and DEP that it would grant OPM permission to process a “forthcoming” application by the City of Norwich, and, to the extent one is received, expressed the hope that the application will be “processed as expeditiously as possible.” **(Tab R.)**

In the meantime, the City was positioning itself to make an application to change the classification of Norwichtown Development’s land back to “Rural Lands.” On October 6, 2008, City Manager Bergren’s “City Manager’s Report to Council,” **(Tab S.)** item 2, contained the following synopsis of the City’s attempts to reverse course:

A copy of the [OPM May 27th] notice to request a public hearing was submitted to the Council in the [June 2nd] Council packets. Based upon previous action taken by the past City Council to amend the Zoning Ordinance to allow for Active Adult Communities and the extension of public utilities to support these developments, and the Commission on the City Plan’s adopted Plan of Conservation and Development supporting same, it was

¹ The public hearing on our client’s regulated activities application closed on November 6, 2008. A decision is expected as early as December 4, 2008.



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existing City policy to support the extension of public utilities to rural areas. The Planning and Development Director was acting in response to existing city policy.

In retrospect a copy of the letter regarding a wavier [sic] of the state public hearing should be furnished to the Council. Also the state notice that was furnished to the Council should be flagged as, as an item the Council, as Zoning Authority, may want to consider for action. The Planning Director and I have discussed steps we will take to elevate notices of this nature to the attention of the Council, considering the numerous materials that are distributed to you on a weekly basis.

On October 22, 2008, City Manager Bergren submitted the application and supporting documents presently before this Committee. **(Tab T.)** Predictably, this time the City requested – and did not waive – a joint public hearing.

THE CITY'S PENDING APPLICATION

In seeking to re-classify Norwich Development's land as "Rural Lands," the City simply wants to turn back the clock because of the pressure brought to bear by a few, vocal abutting neighbors who would prefer free open space next to their homes rather than new housing. Those same neighbors, a small but well-organized and outspoken group, likely were the principal cause of Representative Malone losing his seat in the general election. What was good planning a few months ago has become pure politics today.

The City's application is devoid of any planning rationale. This is not surprising, since the events described above leading up to the submittal of the application aptly demonstrate that the City has only procedural – and not substantive – objections entirely of its own making. It should not be allowed another bite at the apple due to after-the-fact local political pressure, especially when Mr. Davis, the only professional planner and the only public official in the mix who does not need to run for office, outlined a compelling case for why there was no objection to Norwichtown Development's initial application. **(See September 22, 2008 Memorandum attached to Mayor Lathrop's September 29, 2008 Letter at Tab O.)**

Mr. Davis references the recent approval by City agencies of "a development in the same neighborhood that consists of 600 residential units," among other things. This



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significant development is known as Byron Brook. Importantly for this Committee, an area identified as the "Byron Brook Development Area" appears by name on a November 16, 2007 drawing prepared by Black and Veatch (**Tab U**) entitled "Norwich Variance Requests – State C&D Plan." This drawing serves as a foundation for a presumably impending application to again change the Conservation and Development Policies Plan, except this time in favor of Byron Brook, which seemingly cannot go forward without the requisite change.

Note also that the City's pending application does not include the acknowledgement that the Council received, but did not discuss, the OPM notice of the application. The City only submitted the resolution passed at the October 6, 2008 meeting, along with Mr. Davis's memorandum. City Manager Bergen's remarks are important because they demonstrate that the City's policy heretofore was to support extending utilities to rural areas and the development of active adult housing.

There are compelling planning reasons for rejecting the City's application set forth in the testimony and letter of Brian J. Miller, AICP, of the Turner Miller Group. (**Tab V**.) Simply put, the Committee should be engaged in considered plan-making, and not placed in a position to make a precipitous and reactive decision, which has the effect of whip-sawing property owners like Norwichtown Development, which has followed the letter of the law in its application to revise the Guide Map, and has since relied to its detriment on the plan amendment the Committee enacted on July 10, 2008.

To flip-flop on this important issue would be contrary to good planning, in contravention of the region's needs for housing, adverse to smart growth, encouraging of sprawl, and seriously damaging to the reputation of the State of Connecticut as a place to do business. The City's application to "restore" the designation of Norwichtown Development's land is really best characterized as nothing more than a local, anti-development neighborhood group's blatant manipulation of Norwich officials and attempted pressuring of this Committee to effect a change in the Conservation and Development Policies Plan.

CONCLUSION

For all of the reasons described above, our client, Norwichtown Development, LLC, respectfully requests that you reject the application of the City of Norwich to change the classification of our client's land back from "Neighborhood Conservation" to



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"Rural Land" on the Locational Guide Map of the Conservation and Development
Policies Plan for the Connecticut, 2005 – 2010.

Sincerely,



Dwight H. Merriam, FAICP

Copy to:

Norwichtown Development, LLC
David F. Sherwood, Esq.



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VIA HAND DELIVERY

December 9, 2008

The Honorable Robert L. Genuario
Secretary, Office of Policy & Management
State of Connecticut
450 Capitol Avenue
Hartford, CT 06106-1379

Re: City of Norwich Application for Interim Change to State Conservation and Development Policies Plan

Dear Secretary Genuario:

As you may know from my appearance on December 1, 2008, at the public hearing in Norwich City Hall related to the above-referenced application, this firm represents Norwichtown Development, LLC ("Norwichtown Development"). Norwichtown Development respectfully requests that the Office of Policy & Management ("OPM") make Findings and Recommendations against the application of the City of Norwich to change the classification of our client's land from "Neighborhood Conservation" back to "Rural Land" on the Locational Guide Map of the Conservation and Development Policies Plan for Connecticut, 2005 – 2010.

While the substantial materials we submitted during that public hearing more than adequately describe Norwichtown Development's position and, accordingly, why OPM should recommend no change, I thought it would be helpful to provide you with a summary of the five policy points I made during the public hearing to support Norwichtown Development's position.

- The Continuing Legislative Committee on State Planning and Development's July 10, 2008 decision to change the guide map from Rural Land to Neighborhood Conservation was the correct result of a deliberative process. No mistakes were made here; in fact, the City's decision-makers affirmatively waived the opportunity for a public hearing and Representative Malone did not attend a duly-noticed meeting of the Committee of which he is a member.



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- The provision of water and sewer to allow a development like Norwichtown Development's would assist in meeting regional housing needs. For example, persons fifty-five and older who would move into a new neighborhood like the one proposed by Norwichtown Development would likely be leaving existing single-family housing stock. This existing housing would, in turn, provide much-needed affordable housing for young families.
- The existing land classification enables the orderly extension of water and sewer in a planned way. This a hallmark of Responsible Growth, as the concept is described in Appendix B to the February 4, 2008 *Report of the Responsible Growth Task Force to Governor M. Jodi Rell*.
- The orderly extension of existing water and sewer curtails sprawl, i.e., "leap frog" development that occurs in a haphazard and unplanned manner.
- To reverse a plan designation in less than five months would erode the credibility of the Committee with the development community, runs counter to good planning public policy, and would send a negative message to those seeking predictability and certainty in the land development process.

I have attached to this letter a transcript of the public hearing remarks of Thomas Abele of Norwichtown Development, which explains the process by which our client has obeyed the letter of the law in attempting to make a reasonable use of its property.

Let me be direct. The City encouraged Norwichtown Development to come forward with this development. Norwichtown Development did so in good faith and has detrimentally relied on the Committee's July 10, 2008 decision. Much time, effort and money has been spent in furtherance of their plan. We believe their rights have vested.

The City not only encouraged this development, but expressly or at least implicitly supported it. The City does so today, in our view, because the Mayor did not speak in favor of changing the designation back to Rural Lands, neither did the City Manager, neither did the City Planner; in fact, no evidence whatsoever was put forth by the City



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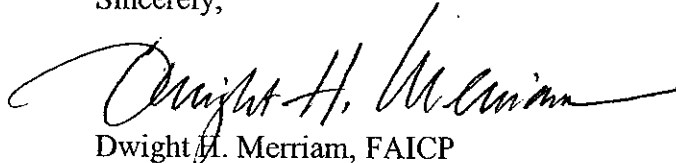
to justify yanking the rug out from underneath Norwichtown Development in this way.

It was not until there was a neighborhood uprising by a handful of abutters with an articulate and vocal leader that the City began backpedaling. Representative Malone getting voted out of office was the coup de grace.

But this "application" – unsupported by the City in any substantive way – is nothing more than political posturing. It represents bad planning and the wrong way to treat anyone who has invested in the affirmative actions of a government that should be a champion for long-term stability and rationality in the process of determining how land will be used.

I respectfully submit that you cannot countenance what would amount to a five-month flip-flop.

Sincerely,



Dwight H. Merriam, FAICP

DHM/ddm

Copy to:

Continuing Legislative Committee
on Planning & Economic Development (via e-mail only)
Norwichtown Development, LLC
David F. Sherwood, Esq.



Norwichtown Development LLC
Transcription of Thomas Abele's Remarks
to the
Continuing Committee on State Planning and Development

December 1, 2008 Public Hearing

Thomas Abele for the record. I am the property owner. I also thank you for coming out. I'd be happy to answer any questions. I'm going to do my best not to skip around but because of the questions and what was mentioned I took some notes and there are some things I'd like to straighten out.

First of all, I've owned the property since 1995. Prior to my owning the property in 1995, it belonged to the Wilcox family since 1750. It was and always had been an industrial site, not a rural site. They operated a sawmill for many generations since 1750.

Upon doing a Phase I, after they had left and abandoned the property, they did leave behind a small amount of soil contamination, and I'd like to explain what that was. The soil contamination by the Wilcox use of the property was a small amount of surface oil that had spilled from barrels.

As they operated the sawmill from generators, they never had power. They operated on generators where they used number 2 fuel. They put hoses in the barrels. From moving the barrels, there was some surface staining on the ground from that particular type of operation. That contamination was, back in 2003, identified and, per DEP, remediated correctly and disposed of correctly. Through the soil scientist and the city, and all the proper channels, I had that site cleaned up properly.

The original proposal I had for that property was for 25 single-acre houses. Many of the neighbors have said that this was changed for a different reason, soil contamination for one. That application was pulled by me, as a matter of record, in the midst of submitting those plans, the city changed the zoning from one acre to two acres, making that particular plan impossible to continue. During that time, I also donated to the city a considerable portion of conservation land. This whole parcel is about 60 acres. I donated to the City of Norwich over one-third of that property, approximately 25 acres, to conservation. We talk about greed and I don't think greed was an issue. We thought that donating the land for conservation was the right thing to do.

Moving on to the latest plans, when we discuss the adult active community, the present city ordinance allows eight units per acre. I had our engineer, Pat Lafayette, draw out what 480 units would look like on that property. I myself before we went any further, decided that was too dense. Our proposal, as you've heard, 185 units, is considerably less than what the city allows. They allow 8 units per acre -- we're only asking for 3 units per acre.

Between the price of the property, as Edith Prague was interested in, soil testing, soil clean-up and remediation, taxes, development plans to date, we've just about \$2 million invested.

Some of the residents have talked about not being notified. I live at 145 Hansen Road. The property is adjacent to my property. I've lived there 25 years. There's a long list of neighbors that are here that I've spoken to about this exact thing. Many of them have approached me and I've approached them. I've been in the neighborhood 25 years.

Another concern was safety. There's a lot of Catch 22 phrases. "How are 55 and older people going to feel safe in this community?" one resident said. Well, I would hope by being the pristine neighborhood with the wonderful neighbors that I have around them, should answer that question.

Same thing with safety when they talk about fire protection. The construction of infrastructure for one mile, of water and sewer for one mile, will extend fire protection to our neighborhood, where we have none right now. Fire hydrants along the way is part of that proposal.

As far as the school bus calling in and out, that's a brand new one. I am going to check on that, but I've never heard of such a thing, of school buses having to call in.

Scotland Road they keep telling you is a rural street, but yet it has a 30-mile an hour speed limit, when, as you know, most rural streets have a 25-mile an hour speed limit. I would think after many complaints that Scotland Road residents would have had, whether we build a development or not, they would at least have convinced city officials to lower the speed limit if they thought speed were an issue. There's movement to do that.

They talk about the wonderful wildlife, the deer that come up in the backyard. Back in 1995, the first thing I did was take down all the deer stands that were on the property. Neighbors were hunting the deer and killing them. I've not allowed hunting on this property since 1995. This property is encircled by homes.

Going back a step, I want to remind the Commission that every single person on Hanson Road and White Plains and Scotland that surrounds that property are also on property that was part of Wilcox sawmill. Many of the neighbors live on Wilcox sawmill, but it was ok for them to buy their piece of land and build their house on the same property.

Again, they talk about the deer. I raked leaves all day Saturday. I wish you could hear the gunshots from my house – hunting the deer that they are so fond of.

Also as I was cleaning my leaves, noticed how as I drove around my neighborhood how my neighbors use my property as their leaf clean-up. This property that they keep talking about as being pristine is definitely pristine, but not to be used as their own public park.

There's been talk about a sewer line possibly breaking. Well every single thing that's come up, that they've brought up, I've looked into. Pat Lafayette told me that if the 4-inch force main broke, it senses a drop in pressure and the pump shuts off automatically, so there'll be no feces spewing anywhere.

One of the neighbors talked about going through other people's property to install the sewer lines. That's also not true. It's permitted within the city streets. Lawler Lane in particular is a

street that needs to be repaired. Any of the residents over there would tell you that. This project would ensure that being taken care of.

Fortunately, I do agree with the neighbors on a few things. One of those is that this public hearing that was waived was certainly their right. No question. But I did nothing by simply applying to have this map changed that took that right away from them.

We had nothing to do with the procedure of the waiving of the public hearing or anything else that took us to that point, but yet I feel I am being punished for it.

I learned that Byron Brook submitted to wetlands and was approved with no public outcry. It went through zoning and was also approved, but yet your Committee has not given them permission to change their map - their designation on their map. So, I didn't really feel that was fair.

I wanted to start at the beginning and I thought at the beginning the proper thing to do was start at the state level, as we chose, on purpose, to put city water and city sewer in; as we felt OPM had made a recommendation against city water and city sewer because they felt we had an adequate water supply doing it privately. Well, for the sake of the neighbors, we didn't want to take a chance on wells, so we figured and also as far as resale value - we figured it would certainly be a better commodity to have city water and city sewer. So, that's what we proposed. We felt it was better for the city and for the neighborhood. Even having adequate private water supply, we felt it was better to do city water and city sewer. We are unfortunately down-gradient from where we would have to tie-in, so that causes the sewer line to be pressurized.

They talk about the possibility of future expansion due to our installation of water and sewer. The very fact that the sewer is designated for our site only is a good thing so other development would not tap into our system. So we are not trying to promote other development by doing what we're doing with the forced main or sewer system.

We also should not be, as developers, punished by the failure of other developments. I too have seen the same condominium units that have gone bankrupt for whatever that reason might be. I'm here to assure this Committee and the neighbors that with the proper permission we will get to the bottom line and finish the project and not leave it abandoned. I ask for your trust and their trust on this. We wouldn't have gone this far and pushed so hard if we didn't think we had the right goal.

We've talked about the city's people, including myself, not understanding some of the city's ordinances. We shouldn't be punished for that. I can't as a developer be punished because the city created an ordinance that didn't explain to the public exactly what it entailed.

This pristine neighborhood, every meeting I go to, the neighbors say I own a pristine piece of land. Well, I choose that pristine piece of land to be developed for seniors. That's what I choose it to be. I own the land. The neighbors don't own the land. No offense, but the Committee doesn't own the land; the City of Norwich doesn't own the land. I own the land.

Ok. I've looked at the zoning ordinances and with a team of very qualified officials, we believe we meet those regulations. We believe that the decision of the wetlands commission and down the road the zoning, we believe we will prevail.

As to the decision, just to clarify one thing about us closing a public hearing, to try to get some kind of quick answer or something like that, I think the wetlands commission has 65 days to make their answer after the public hearing is closed.

I wasn't going to speak tonight, but I just couldn't stand to listen to a lot of misled information. Now, I understand the neighborhood's concern, because it is a typical "don't want it in my neighborhood" thing. I understand that, but I also, as a 25-year neighbor to these people, I went to many of their homes. I tried individually to gain their trust. We want nothing but to do everything from A to Z per the zoning regulations, we feel we meet the zoning regulations. We don't want to abandon the project. Any ensurities they want, such as to make sure that only 55 and older people live there, that's been brought up, things like ensuring no kids going to school, there's things that can be done to ensure our request – to make sure it's built out accordingly. We'll make sure that it's not sold off to people other than 55 and older.

You've also heard everything we've done to try to help the situation has been twisted against us. For example, you've heard that the soil scientist was made to stay on board. I wanted him to stay on board. As we dig for this project, in phases, we care about what's in the land. By the way, a very serious environmental study that I have done, for hundreds of thousands of dollars, was voluntary. I didn't have to do that per the state, the neighbors. I did it for myself to make sure the land was clean before we proceeded with such a project.

So, in summary, I could go on and on, but I will just tell you that when we submitted the application to your Commission, I was told that your decision was unappealable. No matter what that decision was, back in July, we would have dealt with that then. It was supposed to be unappealable. We got our answer, our vote, we moved on accordingly, properly. I don't even know how you could possibly deal with changing our designation back and then in the same meeting, figure out what you are going to do with Byron Brook. Byron Brook is a couple hundred feet away from us. It's right up the street, within a half a mile, a quarter of a mile may be.

So, with that, I'll take questions. Hopefully, I'll be able to answer some more of your concerns.